

Notice to Licensees Concerning Drug Paraphernalia Under Section 24200.6 Business & Professions Code

Selling drug paraphernalia is a crime and could result in your arrest and the loss of your ABC license. A new law, Section 24200.6 of the Business and Professions Code, took effect January 1, 2003. It says that you – or your agent – know that an item is drug paraphernalia if ABC or any other state or local law enforcement agency notifies you in writing that something is commonly sold or marketed as drug paraphernalia. To protect yourself and your ABC license, you should immediately remove any items of drug paraphernalia from your store.

The following items, either alone or in combination, are commonly sold or marketed as drug paraphernalia. Due to the ever-changing nature of illegal drug activity and the types of drug paraphernalia being used, there may be other items not listed below:

- Scales and balances for weighing drugs
- Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose for cutting illegal drugs
- Blenders, bowls, containers, spoons, and mixing devices used for compounding illegal drugs
- Capsules, balloons, envelopes, and other containers for packaging small quantities of illegal drugs. Includes miniature plastic baggies designed to hold jewelry or beads, but also used to hold illegal drugs
- Containers and other objects for storing or concealing illegal drugs
- Hypodermic syringes, needles, and other items for injecting illegal drugs into the human body. These are intended for diabetics, but are drug paraphernalia when made available to other customers
- Pipes made out of metal, wood, acrylic, glass, stone, plastic, or ceramic. They may be with or without screens. Includes glass tubes commonly marketed as a bud vase or air freshener. Also includes colorful marking pens which, when taken apart, contain a pipe that can be used for smoking crack cocaine.
- Pipe screens
- Water pipes - also called "bongs"
- Roach clips (small metal clips used to hold burning material such as a marijuana cigarette)
- Miniature cocaine spoons and cocaine vials

- A wiry sponge or scouring pad, made for cleaning, but when cut into pieces, is used as a filter for smoking crack cocaine
- Drug "kits." Some stores sell a number of items packaged together, such as a miniature flower vial (see photo below), together with chopped-up pieces of wiry sponge and a butane lighter.



Example of Drug Paraphernalia: "Rose Tube," "Love Rose" or "Stem"

This glass tube (pictured at the left) is used as a crack cocaine pipe. It contains a novelty-type item such as a miniature rose. Suppliers may tell you the tube is a gift item. However, drug users remove the rose or other contents, insert a piece of wiry sponge or scouring pad as a filter, and use it to smoke crack cocaine. The tubes are commonly displayed in a box (pictured at the right).

This form shall be deemed official notice to you under Section 24200.6 of the Business & Professions Code.

This law does not preempt local ordinances that prohibit drug paraphernalia sales.

ABC Investigators and local law enforcement officers are actively investigating the sale of drug paraphernalia (Section 11364.7 of the Health and Safety Code).

Questions about this notice should be directed to your local ABC District Office.